



committing dacoity of Rs.57,200/-, one OPPO mobile phone belonging to the complainant and one NOKIA mobile phone belonging to PW Ahmed. Hence this FIR.

3. Learned counsel for the appellant submits that the impugned order passed by the learned Additional Sessions Judge-II, Umerkot is perverse, arbitrary and contrary to law. The learned trial Court has acted mechanically in acquitting respondents under Section 265-K Cr.P.C at premature stage without recording the material evidence of the complainant and his witnesses, despite the fact that the challan had been submitted and the prosecution witnesses were regularly appearing before the Court for their examination. He lastly prayed that the instant appeal be allowed and the case be remanded to the trial Court for recording evidence of the parties.

4. Conversely, learned A.P.G submits that the impugned order is well-reasoned and does not suffer from any legal infirmity, therefore, he prayed that appeal be dismissed.

5. Heard and perused the record.

6. Learned counsel for the appellant has mainly contented that learned trial court has acquitted the respondents at pre-mature stage under section 265-K Cr.P.C otherwise there is sufficient material available on record which make out the case against the respondents and learned trial court has not given any opportunity to record the statement of the complainant. I have gone through the paragraph No.7 of the impugned order which reveals that complainant has appeared before the trial court and his examination-in-chief was recorded. The relevant paragraphs are reproduced as under:-

*“7. The complainant Abdullah, in his examination-in-chief, deposed that this incident took place on 07.08.2022, it was 1700 hours, some persons with muffled faces came at the land of Syed Haji Miyan Mohammad Hassan and gave hatchet and lathis blows*

*and beaten them and during fighting Rs.5000 was misplaced. He further deposed that he suspiciously lodged FIR against these persons and the present accused persons taken on that they are not involved in present crime.*

*8. The complainant has not supported the prosecution version and gave a different version. There is a saying that you can take the horse to water but you cannot force him to drink. Therefore, there is no probability of the accused being convicted if the remaining witnesses are examined or case is proceeded further. It will be wastage of precious time of the court to keep the same pending for further proceedings as no fruitful result would come if the evidence of the witnesses is recorded”*

7. From perusal, it appears that not only examination-in-chief was recorded by learned trial court but complainant has not supported the case of the prosecution and it cannot be safely relied for conviction. I do not see any illegality whereby the trial court has exercised its power under section 265-K Cr.P.C and the respondents were rightly acquitted by the trial court. When this fact was confronted from the learned counsel for the appellant, he submits that no such statement was recorded by the trial court and only learned Presiding Officer has obtained thumb impression on the deposition. This argument cannot be considered on the ground that whole judicial system will be shattered/demolished. There is no material which substantiate his claim, therefore, the instant acquittal appeal is **dismissed**. These are the reasons of short order dated 28.10.2025.

**JUDGE**

*\*Faisal\**